



MEETING MINTUES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA

Regular Meetings: The First,
Second, And Third Tuesday
of each month

County Courthouse,
Bridgeport, CA 93517

Regular Meeting
October 7, 2008

9:00 AM Meeting Called to Order by Chairperson Supervisor Vikki Bauer
Absent: Supervisor Tom Farnetti

Pledge of Allegiance led by Supervisor Byng Hunt

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD
No one spoke

BOARD MEMBER REPORTS
Reports are delayed until meeting of October 14, 2008

COUNTY ADMINISTRATIVE OFFICE

- 1) CAO Report regarding Board Assignments (David Wilbrecht)
ACTION: Receive brief oral report by County Administrative Officer (CAO)
regarding his activities.

Update on next weeks meeting; Town of Mammoth Lakes having a event next Tuesday; have Chair and one member attend Mammoth meeting and then the remainder of Board will carry out meeting. Bill Reid will chair the board meeting. Board presence should be at the Mammoth event. Byng Hunt will attend meeting in Mammoth and the remainder of the Board will attend meeting. Video conferencing will be tested tomorrow so that meeting could start in Bridgeport and continue in Mammoth – if possible.

Attended Sierra Solutions meeting; request for proposal re public defenders in underway; processing needs assessment RFP; IMAAA making huge progress, Tom Wallace is doing great job; Met with Mammoth re Measure R and Trails Plan; employee meetings in north and south county; Sheriff's operation write up – more information; finalizing agenda review software; continuing to work with Rodeo grounds – next month or so; Public Works status report review;

Need to formalize EOC plan and publicize same

Well issue – Mindy Pohlman re permit requirements re drilling wells; need to address Mountain Meadows also and include them in discussion

Move forward with Ordinance re Bears and trash, etc.

Trout that is downstairs is too exposed outside and Art Council is not willing to take responsibility – Board agrees that trout should be moved outside.
Supervisor Hazard and Bauer volunteered to serve on board with June Lake store owner Eric Drell to try to negotiate the building code issue.

2) APPROVAL OF MINUTES

M08-192 Minutes of the Regular Meeting held September 9, 2008. *Approved*
Hunt/Hazard 3-0 Abstain: Bauer Absent: Farnetti

M08-193 Minutes of the Regular Meeting held September 16, 2008. *Approved*
Hunt/Reid 3-0 Abstain: Hazard Absent: Farnetti

M08-194 Minutes of the Special Meeting held September 16, 2008. *Approved*
Reid/Hunt 3-0 Abstain: Hazard Absent: Farnetti

CLOSED SESSION

Enter Closed Session 9:05 a.m.
Exit Closed Session: 10:05 a.m.
Reconvene: 10:15 a.m.

HUMAN RESOURCES

- 3a) Labor Negotiations (**Robert Garret**) - CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): David Wilbrecht, Marshall Rudolph, Brian Muir, & Robert Garret. Employee Organization(s): Mono County Paramedic Rescue Association.
- 3b) Labor Negotiations (**Robert Garret**) - CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): David Wilbrecht, Marshall Rudolph, Brian Muir, and Robert Garret Employee Organization(s): International Union of Operating Engineers, Stationary Local 39, AFL-CIO (aka Mono County Public Employees).

DEPARTMENT REPORTS/EMERGING ISSUES

Brian Muir: Mono County has received an Award for Excellency for financial accounting; treasury pool – investments– considered very secure agency funds. Federal Government protects. Triple A Corporate investments very secure. When we invest in treasury pool consider three things....safety, liquidity, and yield. Return for quarter should be around 4%. Hazard asks for update on PERS retirees and how investments are doing and how secure it all is-next meeting a report will be given.

Mary Booher: Housing Authority – meeting in October – allocations are overly subscribed; will be doing a public hearing (broad) November or December to apply for monies in January 2009. Must do a specific hearing relating to specific project also. Will provide information on different project that can be developed.

Public Works – met with contractor from June Lake who has volunteered his services to work on June Lake Community Center. Case of Ford Expedition from IMAAA will not be taken on by any Fire District (don't want to do repairs)

Sheriff Rick Scholl: Emergency Operations Search for Steve Fossett update. Worked with Madera County setting up search and rescue efforts – command center set up and operated out of Mammoth Airport; found wreckage and have found 4 bone fragments that have been taken to DOJ lab for identification. Our search and rescue people made the Sheriff very proud; this discovery has put Mono on map; the event, search efforts were very well coordinated.

Lynda Roberts, County Clerk: October will be publishing informational adds for voters before the November 4, 2008 election. Satellite office set up in Mammoth for delivery of voted absentee ballots.

Marshall Rudolph: development on Verizon fiber-optic line....USFS approved one stretch of land for line.

CONSENT AGENDA

Hunt/Reid 4-0 Absent: Farnetti

COUNTY COUNSEL

Additional Departments: Economic Development

- 4a) Easement to SCE for Conway Ranch electrical service - Proposed easement to Southern California Edison (SCE) consisting of a 10' x 15' strip of land on a portion of the Conway Ranch property (APN: 19-110-16), for electrical purposes as described more fully in the easement.
- M08-195** **Action:** Approve grant by County of proposed easement to Southern California Edison (SCE). Authorize the Board Chair to sign said easement on behalf of the County.

ELECTIONS

- 5a) Appointments in Lieu of Election - Appointments in Lieu of Election (November 4, 2008) pursuant to California Elections Code, Section 10515(a).
- M08-196** **Action:** Make appointments to the special districts.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

- 6a) Appointment of New Member to the Mono Basin RPAC - Receive presentation by Bill Reid, Supervisor, regarding appointment of new RPAC member to fill a vacancy resulting from a recent resignation. Approve appointment.
- M08-197** **Action:** Appoint Katie Bellomo to fill a vacancy on the Mono Basin RPAC. Appointment would fill the unexpired remainder of a term ending 12-31-08.
- 6b) Contract Extension to October 7, 2010 for PMC Consultants for Preparation of Planning and Environmental Documents for the Intrawest June Lake Rodeo Grounds Project - Consider and potentially approve County extension to October 7, 2010 of contract with PMC pertaining to preparation of planning and environmental documents for the Intrawest June Lake Rodeo Grounds Project,

and authorize Chair to execute said contract extension on behalf of the County.
Receive staff report.

- M08-198** **Action:** Approve County extension of contract as First Amendment to the PMC contract pertaining to preparation of planning and environmental documents for the Intrawest June Lake Rodeo Grounds project. Authorize Chair to sign said First Amendment on behalf of the County.

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

CLERK-RECORDER

- 7a) Documents regarding the 760 Area Code - Copies of documents mailed to the Mono County Board of Supervisors regarding the application of the North American Numbering Plan Administrator, on behalf of the California Telecommunications Industry, for relief of the 760 numbering plan area.
- 7b) Email Letter from Philip Berg - Email letter from Philip Berg to Mono County Board of Supervisors regarding the McKeon Wilderness Bill.
- 7c) Governor's Proclamation - Proclamation from Governor Arnold Schwarzenegger declaring September 11, 2008, as "Patriot Day."
- 7d) Los Angeles Department of Water and Power - Letter from Thomas Erb, Director of Water Resources, to Victoria Whitney, Chief of the Division of Water Rights (cc: Mono County Board of Supervisors), regarding withdraw request for suspension of limnological monitoring at Mono Lake.
- 7e) Letter from Chris Fiore - Letter addressed to the Mono County Board of Supervisors from Chris Fiore regarding the Eastern Sierra and San Gabriel Wild Heritage Act.

FINANCE

- 8a) 2008 - 2009 Appropriations Limit (**Brian Muir**) - Consider proposed resolution setting the Appropriations Limit for Fiscal Year 2008-2009. Receive staff report.

- R08-54** **Action:** Adopt **Resolution R08-54** setting the Appropriations Limit for Fiscal Year 2008-2009.
Hunt/Hazard 4-0 **Absent: Farnetti**

SHERIFF CORONER

Additional Departments: District Attorney, County Counsel

- 9a) Daytime Anti-Loitering Ordinance (**Rick Scholl, Sheriff**) - Consideration of a daytime anti-loitering ordinance aimed at minors, entitled "An Ordinance of the Mono County Board of Supervisors Adding Chapter 10.57 to the Mono County Code to Prohibit Minors from Loitering in the Unincorporated Part of the County During School Hours."

No problem at this time but trying to avoid a problem. Town of Mammoth Lakes has requested that county instigate this and the city will follow suit. This gives law enforcement another tool – Reid would like to hear through RPAC, etc. as to how people are receiving this idea. Wants local input – Scholl states that this has been reviewed by all members of the law enforcement community to be sure that ordinances are consistent with what is on books as law already – Hazard is concerned that if we pass this maybe Mammoth won't be able to get their ordinance through and then they would lean on our ordinance; why are we taking the lead on this? What about ability to transport juvenile? Sheriff states that juvenile would be taken back to school. Need some regulations re "non-compliant" parents also. Scholl states that there is a meeting of all concerned law enforcement persons tomorrow morning and he can take this back to them.

Need another hearing. Public comments indicate that this ordinance is a good idea. Home schooling issue is brought up – there is an option to take child back home and ask when home school hours take place, etc. Reid would abstain from a vote at this time if Board wants to vote on it today. This is solely to give law enforcement a "tool" to use to counter-act these problems. Town of Mammoth Lakes is a supporter of this ordinance. Reid wants to get community input; Scholl states that a "penalty" is needed. Bauer is OK with passing this because Mammoth wants it but wants to be sure that other communities are in favor also. Hunt is fully supportive but feels that more input is needed. Review this in a month or two after RPACs have been informed and the Town has come up with their version of this.

County Counsel states that there is no maximum time period between first and second reading. If there is a change then first reading has to be done over again. Will review this in a month or two.

- No Action** **Action:** Introduce, read title, and waive further reading of the proposed ordinance.
NO ACTION at this time will be placed back on the agenda in one or two months.

CLERK OF THE BOARD

- 10a) California Public Utilities Commission (**Supervisor Vikki Bauer**) - Discuss the proposed decision by an administrative law judge of the California Public Utilities Commission (CPUC), which would order an area code overlay to add a new area code, 442, to the same geographic region as the 760 area code.
Marshall Rudolph: there is a lot of confusion about this decision – 760 area code will run out of numbers in 2009. One choice is to take a portion of 760 area code and change; another choice is an overlay area code so that there would be two area codes operating in same area; original decision is to change area code in San Diego area to 442; they filed a complaint and stated that should take first choice and give new area code to new numbers. Proposed decision issued that would go for overlay number – this will affect everyone in the "760" area code. Will go to PUC on October 16, 2008 for either adoption or change.
Board is satisfied with the way things are going.

- M08-199** **Action:** Suggest that staff write a letter to the PUC clarifying, for the record, that Mono County thought Inyo County was also representing its views. At this time, however, Mono County takes no position regarding the proposed decision.

Hazard/Reid 4-0 Absent: Farnetti

COUNTY ADMINISTRATIVE OFFICE

- 11a) Presentation by Cougar Gold, LLC (**David Wilbrecht**) - A presentation by Cougar Gold, LLC, to introduce the company to the Mono County Board of Supervisors, present a brief overview of the status of the Paramount Exploration Project, and answer any questions from Board Members.
In order to accommodate the number of interested persons present more chairs are brought in, etc.

Action: Introduce company to Board and community; Mack McGuire, CEO; other officers are introduced. Facts on Company are presented.

Reid has met with company and feels they are very upfront and cooperative about this project. Very impressed with their operation.

Board members comment.

Audience questions and comments:

Dick Noles- supports mining

Jan Huggans - supports

Tim Hansen – supports

Tony Dublino – what are the fate of claims that people hold outside of area of interest – no plans yet

Charles Burdett

Diana (from BLM) states that after plan is submitted to BLM they have to write their own Environmental Assessment.

On website there will be notices of all public meetings, etc. There will be a signup list in hallway today for people who want to come to meetings – also office is here in Bridgeport that is open for visitation and information.

Paul MacFarland – questions re chemicals

Questions on reclamation plan – bonds will be posted and work monitored, etc.

Benny Romero

Lynn Inoye

Clint Hershey

Adjourn for Lunch 12:05 p.m.

OPPORTUNITY FOR PUBLIC COMMENT:

Patty Heindricks brings question of June Lake Historical Society to Board. Asks to submit information to Board Members and to schedule this subject for October 21, 2008. The Board is agreeable to this.

LUNCH BREAK 12:05 to 1:05 p.m.

CLERK OF THE BOARD

- 12a) Presentation by Eric Drell (**Supervisor Vikki Bauer and Eric Drell**) - Eric Drell, long-time resident and business owner in Mono County, will speak to the Board about an issue concerning the June Lake General Store and building code requirements.

Action: Receive information; provide direction to staff if desired.

Letters in support of General Store are given to clerk.

Allen Berrey, Assistant County Counsel, who has been working with the Building Official, requests that staff be allowed to inform and update the Board on the history and status of this matter; request is denied.

Eric Drell, owner of June Lake General Store addresses the Board re the non-compliance cited by Building Department against him.

Chairperson Bauer suggests a "site visit" to view the stairs and their condition.

Allen Berrey states that no one is demanding that the stairwell be demolished – county drafted a solution in which Mr. Drell was given three options in order to settle this in an amicable way: 1) submit by Nov. 30, 2008, an application for a building permit to repair stairway-stairwell in compliance with the building code; 2) by that date, submit a building

permit application for construction of alternate access/egress route to/from the apartment through the store; 3) by that date, submit an application for a building permit to demolish stairwell. This was an unpermitted stairwell – owner needed to get a permit and comply with the California Building Standards Code. A civil engineer that was hired by Mr. Drell submitted a report wherein she stated and agreed that the stairwell/stairway did in fact present an immediate safety hazard. The repair/replacement of the stairway has absolutely nothing to do with closing the store.

Bauer states that yes the stairs and the business are connected “financially”

The county wants to make it clear that they are not trying to shut down the store.

Drell states he has a problem that enforcement to the “letter” of the law rather than the “spirit” of the law is taking place.

Rick McManis addresses the Board

Chairperson Bauer requests that someone other than Mr. McManis visit the site and make an evaluation.

Hazard believes codes are there for a reason

Reid respects the community support – this is a difficult economic time; bottom line is that if the county turns its back on this situation then we are liable – it is a significant liability; no one wants to see the store close – but we have to abide by the code and laws; have to sit down and try to work this out. County cannot just let this slide.

Drell asks what about the “grandfather” clause? Right now the economics do not allow Drell to fix these things – he cannot afford to live under this new code. Doesn’t want to close store but cannot dig into savings to rebuild a stairway.

Hunt – greater public good issue and safety, lawful issues – need to compromise but building code is the essential thing-leaning toward the building code side of this.

Drell states that if he has to close the store he will close the store. He no longer lives or works there – he has employees that work for him. If he has to tear the store down he will and will bring it back to the Board.

Bauer: no action today – need to uphold the existing building codes but try to find a way to help Mr. Drell meet those obligations.

Drell states that he has no problem with any county people just wants to start over with them and try to figure out a way to fix this.

Public Comment:

Rob Morgan: hopes that the two factions can resolve this and work it out. Need to bring things to code so it is adequate not perfect.

Jill Stark: this is more than a grocery store it is an everything store.

Ron Tenant: important to have a store and county should work with Mr. Drell – addresses the code itself and its new requirements – the Uniform Building Code has never been properly administered by the Mono County Bldg. Dept.

Code is not “uniformly” enforced.

Handicapped ramp does not meet code

Cecilia Hendereson, Civil Engineer that wrote the report on the stairway.

Linda Rossier worked at the general store for 31 years

Luis Cortez – employee of general store and lived in apartment with stairway in question

Paula Granados

Need someone on Building staff to mediate this

Scott Burns address the Board and defends the position of the building official (McManis) and states that he has to follow the code.

Tony Dublino – asks if county has ever been sued for not enforcing the building code.

Marshall Rudolph states that building codes are developed at the State level and it is the county obligation to enforce them.

Jack Sims: concerned about fate of general store. The store anchors the town. Asks the Board to mediate this

Dan Roberts: complaint based problem should not be the basis for this drastic action

Linda Rossier wants to know if just anyone can complain and cause county decisions to be made.

CAO – David Wilbrecht – negotiated outcome – we cannot ever encourage that building codes be violated; design elements – options and alternatives; Mono County is becoming more urbanized; worried about potential safety issues that could result in lawsuits – how much time is reasonable for Mr. Drell to comply with directions to improve safety issue – we need to figure out what is reasonable for the repairs to be done. Already agreed on an 8 month time limit; Bauer – need to negotiate and meet halfway – how much time can pass.

CAO we need to reach an agreement on how long Mr. Drell will be given to make repairs-would a year be long enough? McManis states that the new building code caused them to create a “general requirements document” that was available on internet – went out and did community outreach; visited RPACS and reached out to communities

Drell: will commit to sitting down with Building Department and work with them – he does not have the resources to do unending repairs – he will not go into debt to meet codes on stairway because after stairway is fixed there will be something else.

Board wants Drell and county need to meet and settle this –

CAO feels that the county is trying to be equitable – feels that Drell’s decision to keep store open or to close the store is his own thing – we have to stay with the code requirements and cannot deviate from this. Willing to work with Drell immediately and try to work something out and see if Drell is able to do whatever is necessary. Need to come to terms with the code requirements and nothing less.

McManis – code is black and white

Rudolph - no discretion as to whether or not we enforce the state building codes.

Reid: we work off complaints – we have only one compliance officer; Rick McManis has taken a lot of heat today – he

is doing a good job and contractors have stated that he works with people. People state that he is doing a good job.
Hazard: June Lake is in trouble that has nothing to do with the store; this is not the only issue and the community has to figure out how to revitalize this community with or without the store. Does not see a lot of hope because he has not heard a lot of cooperation. Building Codes are the law.
Hunt feels that our staff is qualified and that codes are the law – proud of the staff we have; All boils down to rural economics and we are in serious trouble especially in rural communities like June Lake; would like to see negotiations proceed but cannot deviate with code.

Bauer brings this agenda item to a close.
Recess: 3:00 p.m.
Reconvene: 3:15 p.m.

3:40 p.m. ADJOURNMENT in memory of Skip Baker, Mono County resident.

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